

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUL - 1 2019
CLERK, U.S. DISTRICT COURT
By _____ Deputy

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I.

¹On June 14, 2019, the court received correspondence from plaintiff listing a number of cases. The item is docketed as item 26 on the docket sheet. The court interprets this to be plaintiff's response.

²The “Doc. ” reference is to the number of the item on the docket in this action.

pleading applicable to his case. Doc. 10. On April 1, 2019, plaintiff filed his amended complaint. Doc. 12.

As best the court can tell, plaintiff alleges that defendants seized his cell phone during a traffic stop, examined it, and failed to return it to him. Plaintiff seeks "compensation" and a dismissal of "all cases pertaining to this matter." Doc. 1.

II.

Grounds of the Motions

Defendants urge that the court abstain from exercising jurisdiction over this action as plaintiff seeks to have the court intervene in an on-going state criminal prosecution against him. They further urge that, in any event, they are each entitled to qualified immunity.

III.

Analysis

Abstention under Younger v. Harris, 401 U.S. 37, 43 (1971), is appropriate where: (1) a federal proceeding would interfere with an ongoing state judicial proceeding; (2) the state has an important interest in regulating the subject matter of the claim; and (3) the plaintiff has the ability to raise constitutional challenges in the state proceeding. Bice v. Louisiana Pub.

Defender Bd., 677 F.3d 712, 716 (5th Cir. 2012). In this case, all three prerequisites are met.

Defendants have shown, and the court takes judicial notice, that plaintiff is being prosecuted under Cause No. 16521B in the District Court of Palo Pinto County, 29th Judicial District, on charges arising out of the events he describes in his complaint in this action.³ Doc. 21. The state has a strong interest in enforcing its criminal laws. Nobby Lobby, Inc. v. City of Dallas, 970 F.2d 82, 85 (5th Cir. 1992); DeSpain v. Johnston, 731 F.2d 1171, 1176 (5th Cir. 1984). And, plaintiff will have an adequate opportunity to raise his constitutional challenges in the state court proceedings. Bice, 677 F.3d at 716.

Defendants also maintain that they are entitled to qualified immunity. The court need not reach that ground, however, as it is clear that the court should abstain from intervening in the state court proceedings against plaintiff.

IV.

Order

The court ORDERS that defendants' motions to dismiss be, and are hereby, granted, and that plaintiff's claims be, and are

³Plaintiff admits as much as he is seeking to have the charges against him dismissed. Doc. 1.

hereby, dismissed pursuant to Younger, 401 U.S. 37.

SIGNED July 1, 2019.



JOHN McBRYDE

United States District Judge